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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,898	07/12/2000	Clark Woody	J 2850	2434

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EXAMINER	
WEEKS, GLORIA R	
ART UNIT	**PAPER NUMBER**
3721	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/614,898	WOODY ET AL.
	Examiner	Art Unit
	Gloria R Weeks	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7,8,11,12,15-18,21-24,26-30 and 33-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 7,8, 11, 12, 15-18, 21-24,26-30 and 33-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to Applicants' amendment received on July 30, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 8 and 23 are rejected under 35 U.S.C. 103(a) as being anticipated by Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149).

In reference to claims 1, Coleman et al. discloses a method of severing and sealing a plurality of layers of film (28, 30, 34; column 5, lines 13-15) formed of a thermoplastic material (column 3, lines 28-30) comprising the steps of: heating a cutting edge implement (121) to a temperature sufficient to sever and seal a plurality of layers of the film (28. 30, 34); feeding the plurality of layers of (28, 30, 34; column 5, lines 13-15) of the film between the heated cutting edge implement (121) and an opposing surface (122); moving the heated cutting edge implement (121) and the opposing surface (122) relative to one another to pinch the plurality of layers of film therebetween (column 5, lines 21-25); and thereafter, suspending any relative lateral movement between the cutting edge implement (121), the plurality of layers of film (28, 30, 34), and the opposing surface (122), while relatively biasing the heated cutting edge implement (121) and the opposing surface (122) together with the plurality of layers of film (28, 30, 34) pinched there between, until the cutting edge implement (121) cuts through the plurality of layers of film (28, 30, 34), contacts the opposing surface (122), and seals the plurality of layers of the film together

(column 5, lines 25-28). Coleman et al. does not disclose the temperature range of which the heated cutting implement is heated.

Gorlich et al. teaches a method of severing a thermoplastic film (column 9, lines 58-60) using a heated cutting edge implement (304; column 8, lines 58-67; column 9, lines 1-3) heated to a temperature between 600°F-900°F. Gorlich clearly teaches that the temperature to which the cutting edge implement is heated depends on the characteristics of the film used (column 8, lines 62-64). Therefore, it would have been obvious to one having ordinary skill in the art of sealing and cutting at the time the invention was made to heat the cutting edge implement of Coleman et al. within the temperature range taught by Gorlich et al. for the purpose creating a clean cut and seal in the film (Gorlich et al.-column 10, lines 12-18). Although neither Coleman et al. nor Gorlich et al. specifically discuss the issue of burning the layers of film in the process of sealing the layers of film, the combination of the references cited discloses the claimed elements heated to the claimed temperature range for performing a severing method, it is deemed inherent that the references sited will seal the thermoplastic material without burning the thermoplastic material in the same manner as the applicant's invention because the same physical elements are met.

Regarding claim 2, the modified method of Coleman et al. in view of Gorlich et al. discloses a method of severing and sealing a film formed of a thermoplastic material wherein the moving step comprises the step of advancing the heated cutting edge implement (Coleman et al.-121; Gorlich et al.-304) in a direction substantially perpendicular relative to a contact area of the opposing surface (Coleman et al.-122; figures 15-16; column 5, lines 21-25).

Regarding claim 8, Coleman et al. discloses a method of severing and sealing a plurality of layers of film (28, 30, 34) comprising the steps of: heating a cutting edge implement (121) to a temperature sufficient to sever and seal a plurality of layers of thermoplastic material (column 5,

lines 15-16); feeding the plurality of layers of (28, 30, 34; column 5, lines 13-15) of the film between the heated cutting edge implement (121) and an opposing surface (122); moving the heated cutting edge implement (121) and the opposing surface (122) relative to one another to pinch the plurality of layers of film therebetween (column 5, lines 21-25); and relatively biasing the heated cutting edge implement (121) and the opposing surface (118a; figure15) relative to one another to pinch the plurality of layer of the film (28, 30, 34) therebetween, until the heated cutting edge implement (122) severs the plurality of layers of film (column 5, lines 13-28).

Gorlich et al. teaches a method of severing a thermoplastic film (column 9, lines 58-60) using a heated cutting edge implement (304; column 8, lines 58-67; column 9, lines 1-3) heated to a temperature between 600°F-900°F. Gorlich clearly teaches that the temperature to which the cutting edge implement is heated depends on the characteristics of the film used (column 8, lines 62-64). Therefore, it would have been obvious to one having ordinary skill in the art of sealing and cutting at the time the invention was made to heat the cutting edge implement of Coleman et al. within the temperature range taught by Gorlich et al. for the purpose creating a clean cut and seal in the film (Gorlich et al.-column 10, lines 12-20).

With respect claim 23, Coleman et al. discloses a method for severing and sealing a plurality of layers of film (28, 30, 34) formed of a thermoplastic material (column 3, lines 28-30) comprising the steps of: heating a cutting edge implement to a temperature sufficient to several and seal the thermoplastic material (column 5, lines 15-16), pinching the plurality of layers of the film (28, 30, 34) between a substrate (122) and the heated cutting edge implement (121); and pressing the cutting edge (121) implement toward the substrate (122) with the plurality of layers of film pinched there between, until the heated cutting edge implement (121) melts through the plurality of layers film, contacts the substrate, and seals the plurality of layers of film together (figures 15-16; column 5,

lines 25-26). Coleman et al. does not disclose the temperature range of which the heated cutting implement is heated.

Gorlich et al. teaches a method of severing a thermoplastic film (column 9, lines 58-60) using a heated cutting edge implement (304; column 8, lines 58-67; column 9, lines 1-3) heated to a temperature between 600°F-900°F. Gorlich clearly teaches that the temperature to which the cutting edge implement is heated depends on the characteristics of the film used (column 8, lines 62-64). Therefore, it would have been obvious to one having ordinary skill in the art of sealing and cutting at the time the invention was made to heat the cutting edge implement of Coleman et al. within the temperature range taught by Gorlich et al. for the purpose creating a clean cut and seal in the film (Gorlich et al.-column 10, lines 12-20).

4. Claims 3, 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149) as applied to claims 1 above, and further in view of Motomura (USPN 6,260,336).

With respect claims 3, 7, 24 and their limitations as stated above, Coleman et al. discloses a method and apparatus for severing and sealing a plurality of layers of film formed of a thermoplastic material wherein the suspending step comprises synchronously moving the heated cutting edge implement (121), the film (28, 30, 34), and the opposing surface (122), but does not disclose synchronously moving the cutting edge implement (121), the film (28, 30, 34), and the opposing surface (122) in substantially the same lateral direction. Motomura teaches a method of severing and sealing a film by pinching the film between a heated cutting edge implement (35, 36) and an opposing surface (31a, 32a) wherein the suspending step comprises synchronously moving the cutting edge implement (35, 36), the film (11), and the opposing surface (31a, 32a) in substantially the same lateral direction (figure 2, lines 5, lines 40-49). It would have been obvious

to one having ordinary skill in the art at the time the invention was made to further modify the method of Coleman et al. to include the step of synchronously moving the cutting edge implement, opposing surface and film in the same lateral direction, as taught by Motomura for the purpose of continuously feeding the film during the dwell time of the cutting edge implement and the opposing surface with the film.

5. Claims 4, 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149) as applied to claims 1 and 23 above, and further in view of Noel et al. (USPN 5, 718,101).

In reference to claims 4, 11, 26 and their limitations as stated above, Coleman et al. discloses a method of severing and sealing a plurality of layers of film (28, 30, 34) formed of a thermoplastic material wherein the cutting edge implement (121) is a hot blade, not a hot wire, and further comprising the step of prior to the moving step, supporting the hot blade for substantially its entire effective cutting length (figure 16). Noel et al. teaches that it is well known in the art to substitute a blade for wire for the purpose of severing and sealing (column 6, lines 31-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cutting edge implement of Coleman et al. to include a hot wire, as taught in the method of Noel et al, since it is well known in the art of heat sealing to use a insulated, heated wire in place of a heated blade.

6. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149) as applied to claim 8 above, and further in view of Dworak et al. (USPN 5,094,657).

Regarding claim 12 and its limitations and its limitations as stated above, Coleman et al. discloses a method of severing and sealing a film formed of a thermoplastic material including the

step of pinching film between a heated cutting edge implement (121) and another surface (122; figure 15), but does not disclose the amount of time that this step occurs. Dworak et al. teaches the method of severing and sealing a film wherein the cutting edge pinches film between another surface for approximately one second (column 4, lines 42-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the method of Coleman to include the step of pinching the film between the cutting edge implement and another surface for approximately one second, as taught by Dworak et al.

7. Claims 15-18, 22, 36 and 39 are rejected under 35 U.S.C. 103(a) as being anticipated by over Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149) and Noel et. (USPN 5, 718,101).

With respect to claims 15-18, 22, 36 and 39, Coleman et al. discloses an apparatus for severing and sealing a plurality of layers of film (28, 30, 34) formed of a thermoplastic material (column 3, lines 28-30) comprising: a cutting edge implement (i.e. blade, 121) that is heated to a temperature sufficient to sever and seal the thermoplastic material (column 5, lines 15-16); an anvil (122); means for feeding a plurality of layers of (28, 30, 34; column 5, lines 13-15) between the heated cutting edge (121) and the anvil (122); means for moving the heated cutting edge implement (121) and the anvil (122) relative to one another to pinch the plurality of layers of film (28, 30, 34) there between (column 5, lines 21-25); and means for suspending any relative lateral movement between the heated cutting edge implement (121), the layers of film (28, 30, 34), and the anvil (121), while pressing the cutting edge implement (121) toward the anvil (122) with the layers of film (28, 30, 34) pinched there between, until the cutting edge implement (121) melts through the plurality of layers of film (28, 30, 34), contacts the anvil (122), and seals the plurality of layers of film together (figures 15-16; column 5, lines 25-26).

Gorlich et al. teaches a method of severing a thermoplastic film (column 9, lines 58-60) using a heated cutting edge implement (304; column 8, lines 58-67; column 9, lines 1-3); a controller (column 11, line 49-column 12, line 10) for regulating the temperature of the cutting edge implement, wherein the cutting edge implement (304) is heated to a temperature between 600°F-900°F. Gorlich clearly teaches that the temperature to which the cutting edge implement is heated depends on the characteristics of the film used (column 8, lines 62-64). Therefore, it would have been obvious to one having ordinary skill in the art of sealing and cutting at the time the invention was made to heat a cutting edge implement within the controlled temperature range taught by Gorlich et al. for the purpose creating a clean cut and seal in the film (Gorlich et al.-column 10, lines 12-20). Although Gorlich et al. specifically discuss the issue of burning the layers of film in the process of sealing the layers of film, the combination of the references cited discloses the claimed elements heated to the claimed temperature range for performing a sealing method, it is deemed inherent that the references sited will seal the thermoplastic material without burning the thermoplastic material in the same manner as the applicant's invention because the same physical elements are met.

Coleman et al. discloses a method of severing film (28, 30, 34) formed of a thermoplastic material wherein the cutting edge implement (121) is a hot blade, not a hot wire, and further comprising the step of prior to the moving step, supporting the hot blade for substantially its entire effective cutting length (figure 16). Noel et al. teaches that it is well known in the art to use a blade or wire for the purpose of severing and sealing (column 6, lines 31-33) film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cutting edge implement of Coleman et al. to include a hot wire, as taught in the method of Noel et

al, since it is well known in the art of heat sealing to use a insulated, heated wire in place of a heated blade.

8. Claims 27, 30, 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Wildmoser (USPN 4,115,182) in view of Gorlich et al. (USPN 6,305,149).

Regarding claim 27, 30 and 33, Wildmoser discloses an apparatus for severing and sealing a plurality of layers of film (18a, 20a; figure 1) formed of a thermoplastic material comprising: a wire (40) that is heatable to a temperature sufficient to melt but not to burn the thermoplastic material; the hot wire (40) supported substantially its entire effective cutting length by an insulating insert (38; column 4, liens 7-11); a base member (34) for supporting the insulating insert; an anvil (52) for placement adjacent to the hot wire (40) on a side of the hot wire (40) opposite from the insulating insert (38) and the base member (34); means for feeding a plurality of layers of the film (18a, 20a) between the hot wire (40) and the anvil (52); means for moving the cutting edge implement (40) and the anvil (52) relative to one another to pinch the plurality of layers of film (18a, 20a) therebetween; means for suspending any relative lateral movement between the hot wire (40), the film (18a, 20a), and the anvil (52), while pressing the hot wire (40) toward the anvil (52) with the film (18a, 20a) pinched therebetween, until the hot wire (40) melts through the plurality of layers of film (18a, 20a), contacts the anvil (52), and seals the plurality of layers of film (18a, 20a) together (column 4, lines 4-14, 38-41, 64-68; column 5, lines 1-35). Wildmoser does not disclose the temperature range of which the hot wire is heated.

Gorlich et al. teaches a method of severing and sealing a thermoplastic film (column 9, lines 58-60) using a heated cutting edge implement (304; column 8, lines 58-67; column 9, lines 1-3) heated to a temperature between 600°F-900°F. Gorlich clearly teaches that the temperature to which the cutting edge implement is heated depends on the characteristics of the film used (column

8, lines 62-64). Therefore, it would have been obvious to one having ordinary skill in the art of sealing and cutting at the time the invention was made to heat the wire of Wildmoser within the temperature range taught by Gorlich et al. for the purpose creating a clean cut and seal in the film (Gorlich et al.-column 10, lines 12-20).

With respect to claim 34 and its limitations as stated above, Wildmoser discloses an apparatus for severing and sealing a film while suspending any lateral movement of the film (18a, 20a) during the process of sealing and cutting the film (18a, 20a). Although the amount of time the lateral movement of the film is not disclosed, it would have been an obvious matter of design choice to suspend the lateral movement of the film for approximately one second, since applicant has not disclosed that this amount of time solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with if the film was suspended for an amount of time relatively greater or less than one second.

In reference to claim 35 and its limitations as stated above, Wildmoser discloses an apparatus for severing and sealing a film wherein the insulating insert (38) is made of rubber (column 4, lines 4-7). Gorlich et al. teaches the use of ceramic for the purpose of providing insulation against the transfer of heat (column 9, lines 26-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the rubber insulating insert and anvil of Wildmoser to include ceramic, as taught by Gorlich et al., for the purpose of reducing or preventing the transfer of heat from the cutting edge implement

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wildmoser (USPN 4,115,182) in view of Gorlich et al. (USPN 6,305,149) as applied to claim 27, and further in view of Motomura (USPN 6,260,336).

With respect to claim 28 and its limitations as stated above, Wildmoser discloses an apparatus for severing and sealing a film further comprising: means for longitudinally moving the heated cutting edge implement (40) along a closed path, but does not disclose means for laterally moving the heated cutting edge implement (40). Motomura teaches an apparatus of severing and sealing a film by pinching the film between a heated cutting edge implement (35, 36) and an anvil (31a, 32a); including means for moving the cutting edge implement (35, 36) and the anvil (31a, 32a) in a lateral direction on a closed path, while keeping the cutting edge implement (35, 36) and the anvil (31a, 32a) substantially parallel (figure 2, lines 5, lines 40-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the apparatus of Wildmoser to include the lateral moving means of Motomura for the purpose of continuously feeding the film during the process of sealing the layers of film between the cutting edge implement and the anvil.

In reference to claim 29 and its limitations as stated above, Wildmoser discloses an apparatus for severing and sealing a film wherein the cutting edge implement (40) and the anvil (52) move synchronously in a longitudinal direction, towards each other, but does not disclose the cutting edge implement (40), the film (18a, 20a), and the anvil (52) all moving synchronously in the same lateral direction while the film is being melted and sealed. Motomura teaches an apparatus of severing and sealing a film by pinching the film (11) between a heated cutting edge implement (35, 36) and an anvil (31a, 32a); including means for moving the cutting edge implement (35, 36), the film (11), and the anvil (31a, 32a) in a lateral direction on a closed path, while keeping the cutting edge implement (35, 36) and the anvil (31a, 32a) substantially parallel (figure 2, lines 5, lines 40-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the apparatus of Wildmoser to include the lateral moving means of

Motomura for the purpose of continuously feeding the film during the process of sealing the layers of film between the cutting edge implement and the anvil.

10. 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (USPN 5, 546,732) in view of Gorlich et al. (USPN 6,305,149) and Noel et. (USPN 5, 718,101) as applied to claim 36 above, and further in view of Dworak et al. (USPN 5,094,657).

In reference to claims 37 and its limitations as stated above, the modified apparatus of Coleman et al. discloses an apparatus for severing and sealing a plurality of layers, but does not disclose a cam actuator for the sealing means. Dworak et al. teaches an apparatus for severing and sealing a plurality of layers (22) comprising a first cam apparatus (figure 7) for laterally moving a heated cutting edge implement (108) along a closed path, but does not disclose a second cam apparatus for moving the anvil (174, 176) along a path that is at least part substantially parallel to a portion of the closed path traveled by the heated cutting edge implement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the actuating means of Coleman et al. to include the cam actuating means of Dworak et al. for the purpose of preventing overheating the layers of film (Dworak et al.-column 8, lines 61-64).

It would have been obvious to one having ordinary skills in the art at the time the invention was made to further modify the spring actuated anvil of Coleman et al. in view of Dworak et al. to include a second cam apparatus for the purpose of pinching and clamping the plurality of film layers during the process of severing and sealing the plurality of layers (column 9, lines 49-60).

Regarding claim 38 and its limitations as stated above, the modified apparatus of Coleman et al. in view of Dworak et al. teaches an apparatus wherein the heated cutting edge implement (Dworak et al.-108), the film (Dworak et al.-22), and the anvil (Dworak et al.-174, 176) all

synchronously move in substantially the same lateral direction (Dworak et al.-direction of the drums; figure 8; column 7, lines 53-65).

Response to Arguments

11. Applicant's arguments filed July 30, 2004 have been fully considered but they are not persuasive.

Applicant has argued that the prior art cited by the Examiner fails to disclose Applicant's physical elements as claimed, but Applicant did not state which of the elements of Applicant's invention that the prior art allegedly omits. It appears as though the claimed novelty of Applicant's invention is based on the temperature at which the sealing and severing element is operated, rather than a distinction between a structural difference of Applicant's invention and Examiner's cited art, for that matter, the known prior art as a whole. This can be supported by page 1 line 18 through page 3 line 6 of Applicant's specification, and figures 2 and 3 of Applicant's drawings, which acknowledges the process and means to sever and seal layers of film pinched between two opposing surfaces, using a heated wire.

Applicant's has expressed the concern of Gorlich et al's disclosure of vaporization of the film during the process of severing, and how vaporization equates to burning of the film, which is something the Applicant has explicitly articulated avoiding. Is burning defined by vaporization? Can you successfully heat a film without some degree of "burning"? Burning is defined as a point of combustion or a chemical process accompanied by the evolution of light or heat. Therefore, one would access that any point of the film that is directly engaged with heat is going to inherently burn, but the magnitude of how much it is burned will be contingent upon the amount of heat being exerted on the film. In essence, the method and apparatus of Applicant's invention will inherently

"burn" the film, b/c there is a chemical reaction in the film as a result of heat being applied to it. Again, Gorlich et al. is cited by Examiner to disclose the knowledge in the art to heat a cutting edge implement to a desired temperature range of 250°F – 900 °F for the purpose of severing film, and how the temperature at which the cutting edge implement is heated is based on the type of material that is being severed. Gorlich et al. further discloses how materials can be successfully severed at temperatures lower than their point of vaporization and the advantages for severing materials at their temperatures of vaporization (column 9, line 59-column 10, line 5).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R Weeks whose telephone number is (703) 605-4211. The examiner can normally be reached on 6:30 am - 5:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (703) 305-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7769 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1789.

Gloria R Weeks
Examiner
Art Unit 3721

GRW

grw
October 28, 2004

SCOTT A. SMITH
PRIMARY EXAMINER